



December 14, 2004

TO: Official-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: Deputy Administrator/Mr. Gregory

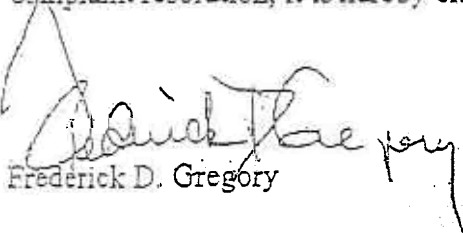
SUBJECT: Mandatory Management Participation in NASA's Alternative Dispute
Resolution Program in the Equal Opportunity (EO) Complaint Process

REFERENCE: (a) 29 CFR Part 1614
(b) EEOC MD 110
(c) NASA Policy Directive 2010.2B

The Agency's commitment to Alternative Dispute Resolution (ADR) is strong. Mediation is always a possible solution to inevitable conflicts, and in many cases will be a preferred solution. When the Agency has determined to offer an ADR resolution procedure, managers shall participate in good faith in efforts to resolve the complaint. We should all strive to work out our problems before they result in an undesirable consequence. I count on each of you to determine the right way, using all options, to keep the NASA Family strong and intact.

Consistent with NASA Policy Directive 2010.2B, Section 1(g), of reference (c), and Paragraph 1614.105(b)(2) of reference (a), as well as paragraph IIA of Chapter 3 of reference (b), not all cases are appropriate for ADR procedures. Accordingly, the Agency maintains discretion in determining whether ADR is appropriate for complaint resolution in a particular case.

To the extent that my letter dated August 2, 2004, regarding the subject matter indicates the removal of Agency discretion to determine when ADR is an appropriate method for complaint resolution, it is hereby clarified to reflect the foregoing.


Frederick D. Gregory

cc:
EO Officers



August 2, 2004

TO: Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: AD/Deputy Administrator

SUBJECT: Mandatory Management Participation in NASA's Alternative Dispute
Resolution Program in the Equal Opportunity (EO) Complaint Process

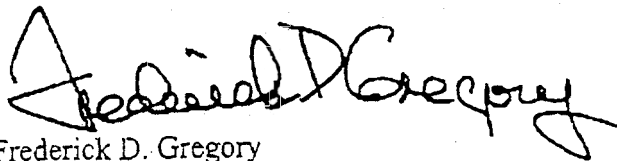
In October 2003, I advised you that the NASA Office of Equal Opportunity Programs (OEOP) had taken steps to streamline the Agency's discrimination complaint process and revitalize the NASA Alternative Dispute Resolution (ADR) program as a means of resolving disputes that are raised within the discrimination complaint process. The Agency is committed to supporting ADR, which is designed to create and maintain a work culture in NASA where managers, supervisors and employees have a constructive way to work together "to maintain a productive work environment in which disputes are settled quickly," as stated in NPD 2010.2B.

In accordance with the United States Equal Employment Opportunity Commission (EEOC) regulatory requirements, NASA currently makes ADR available for disputes raised during both the informal (pre-complaint) and formal stages of the EO complaint process. Since the inception of the Agency's use of ADR in the EO complaint process, participation has been voluntary for both the complaining party and management.

Effective this date, however, we are making management participation in ADR mandatory for disputes raised at both the informal and formal stages of the EO complaint process. This means that once a complaining party requests mediation, management must assure that an authorized management official participates in the ADR mediation session, which will be facilitated by a trained, third party neutral person (mediator). All management staff designated to represent the Agency in the mediation session must have training or, at a minimum, receive a briefing on the mediation process by and/or in consultation with OEOP, and have delegated authority from the Center Director or an other appropriate management official to enter into a binding settlement agreement on behalf of the Center or the Agency.

Incorporating ADR into the Agency's standard operating procedures is part of our strong commitment to ensure that the core principles of ADR, as defined by the EEOC, are fully integrated into our management policies and procedures. In order to ensure that this is accomplished Agencywide, all managers and supervisors are advised that they have a duty to cooperate in OEOP's ADR initiative.

Thank you in advance for your continued support and participation in the implementation of the NASA ADR program. Any questions should be directed to the attention of Dr. Dorothy Hayden-Watkins, AA, OEOP or your Center EO office.

A handwritten signature in black ink, appearing to read "Frederick D. Gregory". The signature is stylized with a large, looped initial "F" and a long, sweeping underline.

Frederick D. Gregory

cc:
EO Officers